

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM P. MOORE,	:	CIVIL ACTION NO. 1:03-CV-1849
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
EXEL LOGISTICS, INC.,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 22nd day of March, 2006, upon consideration of the joint request for dismissal of the above-captioned action with prejudice (see Doc. 60), and it appearing that part of this case is currently on appeal before the Third Circuit Court of Appeals, (see Doc. 59) (mandate from the Third Circuit Court of Appeals partially remanding the above-captioned case and noting that any stipulation of dismissal must be filed with the Third Circuit Court of Appeals); see also FED. R. APP. P. 42(a) (“*Before an appeal has been docketed by the circuit clerk, the district court district court may dismiss the appeal on the filing of a stipulation . . .*”) (emphasis added); id. 42(b) (“The circuit clerk may dismiss a docketed appeal if the parties file a signed dismissal agreement . . .), it is hereby ORDERED that the joint request for dismissal with prejudice (Doc. 60) is DENIED without prejudice to the parties’ right to file an appropriate stipulation with the Third Circuit Court of Appeals. See FED. R. APP. P. 42(b).

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge